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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,567

12/12/2003

Horst Rossler

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EXAMINER

BROOKS, SHANNON

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

10/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,567

Applicant(s)

ROSSLER ET AL.

Examiner

Shannon R. Brooks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claim 18** is rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Claim 18 has the claim limitation “a Computer Software Product” in line 1 of the claim.

The claim lacks a proper preamble necessary to establish a statutory computer program claim. The Examiner suggest inserting in line 1, language such as “a computer readable medium encoded with a computer program executed by a controller...” for example.

Note- MPEP 2106.01.1. Data structures not claimed as embedded in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure’s functionality to be realized.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claim 18** is also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the specification does not have support for a "Computer software product".

Consider **Claim 1**, Crockett teaches a method for coordinating location dependent information, services, or tasks, comprising the steps of deriving and refining location information of at least one user based on location measurements or proximity observations (Pg. 1, [0009]-[0011], providing location information of said at least one user (Abstract and Pg. 1, [0009]), initiating tasks (Pg. 1, [0009]), providing information, or services dependent on said location information (Abstract), by a locator entity in a distributed system gathering said location measurements or proximity observations and aggregating said location information of said of at least one user (Pg. 3, [0069]-[0077] and Abstract), said locator entity restricting the accesses to said location information by further comprising the steps of authenticating and authorizing or trusting inquirer parties (Pg. 4, [0106], Pg. 6, [0161]-[0173], Pg. 7, [0194] and Pg. 8, [0196]), and serving location information requests according to inquirer's grants wherein said grants depend on the relative location or absolute location of an inquirer or a user (Pg. 8, [0205]-[0210], Pg. 9, [0211]-[0214]), an inquirer's identity, an inquirer's intention, a user's intention, time, or an information exchange contract (Pg. 4, [0106]).

Consider **Claim 9**, Crockett teaches a Locator Agent Unit for coordinating location

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dependent information, services, or tasks comprising locating means for receiving and/or deriving location information and providing location information and comprising means for initiating tasks or services dependent on the derived location information (Pg. 8, [0205]-[0210] and Pg. 9, [0211]-[0214]) comprising a uniform networking interface for detecting devices feeding location information (Pg. 1, [0016]-[0039]), enabling communication with inquirers' and other parties' client (Abstract), and allowing controlling the locator agent unit, wherein said locator agent unit comprises investigation means for identifying and coordinating location information sources or inquirers' and other parties' clients (Pg. 8, [0205]-[0210] and Pg. 9, [0211]-[0214]).

Consider **Claim 15**, Crockett teaches a Locator Device for coordinating location dependent information, services, and tasks, providing location measurements and proximity observations of a user, wherein said locator device provides a network interface to a locator agent unit's investigation means for identifying and coordinating location information sources or inquirers' and other parties' clients (Pg. 4, [0108]-[0112], Pg. 5, [0113]-[0128]).

Consider **Claim 16**, Crockett teaches a Locator Client Device for exchanging location dependent information or coordinating location dependent services or tasks by comprising communication means for communicating requests and location dependent information wherein said locator client device comprises a network interface to a locator agent units's investigation means for identifying and coordinating location information sources or inquirers' and other parties' clients (Pg. 4, [0092]-[0112], Pg. 5, [0113]-[0129]).

Consider **Claim 17**, Crockett teaches a Distributed Locator System (Pg. 2, [0029]) for providing coordinated location information dependent information, services, or tasks (Abstract), comprising a network (Pg. 2, [0029] and Figure) and locator agent units providing a uniform location information interface (Pg. 8, [0205]-[0206]), wherein a personalized locator agent unit is located in the distributed locator system dependent on said location information (Pg. 2, [0017]-[0018]).

Consider **Claim 2**, Crockett teaches the method according to claim 1, wherein said location information is encrypted (for ensuring privacy) (Pg. 6, [0153]-[0173]).

Consider **Claim 3**, Crockett teaches the method according to claim 1, wherein for said authenticating and authorizing or trusting cryptography techniques are applied (Pg. 6, [0153]-[0173]).

Consider **Claim 4**, Crockett teaches the method according to claim 1, wherein the method comprises the further step of investigating said distributed system for identifying and coordinating location information sources or inquirers' and other parties' clients ((Pg. 6, [0153]-[0173] and Pg. 4, [0099]-[0100]).

Consider **Claim 5**, Crockett teaches the method according to claim 1, wherein said provided location information further comprises tracking information or planned location information (Pg.

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4, [0100]).

Consider **Claim 6**, Crockett teaches the method according to claim 1, wherein said location information is a fusion of multiple location measurements or multiple proximity observations improving the location precision and reliability (Pg. 4, [0100] and Pg. 8, [0209]-[0210] and Pg. 9, [0211]-[0214]).

Consider **Claim 7**, Crockett teaches the method according to claim 1, further comprising the step of pro active involving a user or another party dependent on location, time, or contextual user preferences (read as use at park, Pg. 9, [0214]).

Consider **Claim 8**, Crockett teaches the method according to claim 1, further comprising the step of specifying the behavior of the locator entity or inquirer's grants by an authenticated and authorized party (Pg. 4, [0106]).

Consider **Claim 10**, Crockett teaches the Locator Agent Unit according to claim 9, comprising a map unit for collecting location information from said sources, aggregating said location information onto a virtual map (LocMod), and organization means for coordinating location dependent information, services, or tasks dependent on said aggregated location and depend on the relative location or absolute location of a inquirer or a user, an inquirer's identity, an inquirer's intention, a user's intention, time, or an information exchange contract (read as system

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storing boundaries Pg. 9, [0214]-[0217] and Pg. 4, [0106]).

Consider **Claim 11**, Crockett teaches the Locator Agent Unit according to claim 9, further comprising means for authenticating and authorizing client devices or inquirers (read as determine a device is within a boundary, Pg. 10, [0226]-[0227]).

Consider **Claim 12**, Crockett teaches the Locator Agent Unit according to claim 9, wherein said locator agent unit further comprises means for location information encryption and decryption for ensuring privacy (read as utilizes encrypted devices, (pg. 6, [0161]-[0173] and Pg. 8, [0205])).

Consider **Claim 13**, Crockett teaches The Locator Agent Unit according to claim 9, wherein said locator agent unit is realized by a network service (Pg. 8, [0205]).

Consider **Claim 14**, Crockett teaches the Locator Agent Unit according to claim 12, wherein said network service is realized by an Internet service (Pg. 2, [0021]-[0030]).

Consider **Claim 18**, Crockett teaches a Computer Software Product for coordinating location dependent information, services, and tasks comprising computer program means for performing the method according to claim 1 (Pg. 2, [0029]and [0040], Pg. 3, [0052]-[0053]).

Conclusion

3. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon Brooks whose telephone number is (571) 270-1115.

The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shannon R. Brooks

September 27, 2007



CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER